

REMARKS

The Office Action dated October 22, 2003 has been received and its contents carefully studied. Reconsideration of the rejections of the claims is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-24 are pending. The only independent claims are claims 1, 23, and 24. Claims 23 and 24 are allowed, and dependent claims 7-14 and 16 are also indicated to be allowable. However, the remaining claims are rejected.

The Present Amendments

We now cancel claim 15, because it repeats the contents of claim 7. We also amend claim 6 by deleting the phrase "and is again repeated in these smaller structures." It is respectfully submitted that these two amendments overcome the objections and rejections described on page 2 of the non-final Office Action. We also place claim 7 in independent form, so that claims 7-14 and 16 are in condition for allowance.

Further Remarks

Claims 1-6 and 17-22 are rejected as being obvious from *Azima* (U.S. Patent No. 6,188,775). This is a different *Azima* reference from the one cited in the previous non-final Office Action. The Office Action states that this present *Azima* reference discloses all aspects of present claim 1, except that the holding elements are designed to be low damping at higher sound frequencies. The Office Action is correct that element 68 is a high frequency driver (col. 6, line 13). Also, the panel 2 is damped to prevent excessive edge movement of the panel (col. 4, lines 32-34). Applicant respectfully emphasizes that *Azima* does not disclose the holding elements that are designed to be low damping at higher sound frequencies, and the Office Action acknowledges this fact.

I. Therefore, applicant respectfully requests that the Examiner point to a specific reference instead of taking "official notice." See MPEP § 2144.03 ("If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position"). The Office Action does mention at page 5 that US Patent 6,442,282 discloses elements having low damping at higher frequencies, but the Office Action does not say which particular elements of 6,442,282 the Office Action is referring to, and also does not say anything about those particular elements freely supporting a sandwich plate which is one of the central features of the present claimed invention.

II. Applicant also respectfully submits that the Office Action does not point to any suggestion why a person skilled in the art would have been motivated to use holding elements that are low damping. After all, *Azima* already provides a suspension 3 for damping purposes (col. 4, line 32).

III. With regard to claims 4, 6, and 22 the Office Action asserts obviousness without citing any particular reference, and again Applicant respectfully traverses that assertion so that a specific reference will be cited. The examiner asserts that it would have been obvious to include a spatially different distribution of elasto-mechanical properties (e.g. by using cut-outs), for achieving "vibrational frequency response desired." However, the Applicant respectfully submits that the present invention already achieves the vibrational frequency response desired, and the spatially different distribution is for a different purpose: namely, to increase shear strength of the sandwich plate as discussed at page 4, lines 4-20 of the application.

IV. Moreover, the present invention discloses combining the honeycomb structure of claim 3 with the spatially different distribution of claim 4, and the Office Action has not shown this combination in any reference, much less any suggestion why the honeycomb structure would not be sufficient without the spatially different distribution, in order to obtain adequate shear strength. Applicant would like to respectfully point out that the application emphasizes (at page 4, lines 15-17) the fact that this combination is very useful for increasing the shear strength, and Applicant submits that this is a non-obvious and very innovative combination.

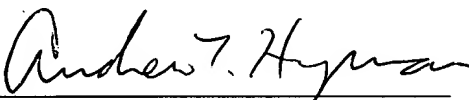
CONCLUSION

For all of these reasons, it is not perceived how the claimed invention can be derived from the related art, or how it might be obvious in view of the related art. The references cited do not suggest what is set out in the applicant's claims either before or after the present amendments, and do not provide the basis for developing the invention to persons having ordinary skill in the art to which the subject matter pertains. Therefore, withdrawal of the rejections is respectfully requested, and early allowance is most earnestly solicited.

Respectfully submitted,

Dated: December 29, 2003

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